

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 2875
Satoshi SEO)	Examiner: I. Negron
Serial No. 09/987,003)	<u>CERTIFICATE OF MAILING</u>
Filed: November 13, 2001)	I hereby certify that this correspondence is
For: ELECTROLUMINESCENT DEVICE)	being deposited with the United States Postal
HAVING DRYING AGENT)	Service with sufficient postage as First Class
)	Mail in an envelope addressed to:
)	Commissioner for Patents, P.O. Box 1450,
)	Alexandria, VA 22313-1450, on

RESUBMISSION UNDER 37 CFR 1.8(b)

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Dear Sir:

The Applicant respectfully submits this *Resubmission Under 37 CFR 1.8(b)*. Specifically, the Applicant is resubmitting an Issue and Publication Fee Transmittal and a *Petition to Withdraw* with RCE, Preliminary Amendment and IDS as described in greater detail below. Rule 1.8(b) states the following:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was

sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In accordance with Rule 1.8(b), the Applicant respectfully submits the following:

On March 20, 2006, the Applicant filed the following: PTOL-85 – Issue Fee Transmittal (2 copies); Check No. 5156 in the amount of \$1718 to cover the Issue Fee; Publication Fee and Advance Copies; and Certificate of Mailing for the above (copies attached) (referred to hereinafter as the “Issue Fee Transmittal”). The Issue and Publication Fee Transmittal was either deposited with the U.S. Postal Service (USPS) personally by Ms. Rose M. Fichtel or was deposited with the USPS by others in the office in the ordinary course of business. Please see the attached Declaration of Rose M. Fichtel for details regarding the above.

On April 26, 2006, the Applicant filed, via hand delivery to the Office of Petitions, the following: a Transmittal Form/Fee Transmittal (2 copies); a *Petition To Withdraw From Issue* (2 copies); a Request for Continued Examination (RCE) (2 copies); an Information Disclosure Statement (IDS); a PTO 1449 Form with copies of references listed thereon; a Preliminary Amendment and Check No. 5298 in the amount of \$920.00 (\$790 for the RCE and \$130 for the *Petition to Withdraw*) (copies attached) (referred to hereinafter as the “*Petition to Withdraw* with RCE, Preliminary Amendment and IDS”). The *Petition to Withdraw* with RCE, Preliminary Amendment and IDS were received by the Office of Petitions on April 26, 2006, as evidenced by a stamped received post card bearing an Office of Petitions date-stamp (copy attached).

On April 28, 2006, the Applicant's representative retrieved from the PAIR System a Decision on Petition indicating the *Petition to Withdraw* had been dismissed. The Decision on Petition indicated that an Issue and Publication Fee Transmittal had not been received. This was Applicant's first indication that the Issue and Publication Fee Transmittal was not received in due course.

Upon further review, it is confirmed that the Applicant had not received a stamped post card to indicate delivery of the Issue and Publication Fee Transmittal. Also, the Applicant reviewed accounting records for all checks printed on March 20,

2006. Accounting records show that Check Nos. 5150 through 5155 and 5157 through 5165 have been cashed by the Patent Office. Check No. 5156, which accompanied the Issue and Publication Fee Transmittal of March 20, 2006, has not been cashed by the Patent Office.

In light of the above facts, it appears that the Issue and Publication Fee Transmittal of March 20, 2006, was likely lost, probably by the USPS, either after Ms. Fichtel personally deposited the above-referenced documents with the USPS or after the above-referenced documents were deposited with the USPS by others in the office in the ordinary course of business.

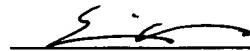
The Applicant attaches herewith a true and accurate copy of the Issue and Publication Fee Transmittal filed March 20, 2006, and a new check in the amount of \$1718 to cover the Issue Fee; Publication Fee and Advance Copies.

Therefore, the Applicant respectfully submits that the present *Resubmission* is accompanied by a reply required to the outstanding Notice of Allowability, and that a *Petition to Withdraw From Issue* with RCE, Preliminary Amendment and IDS were previously filed April 26, 2006, and received by the Patent Office on April 26, 2006.

No fee is believed to be necessary at this time. However, the Commissioner is hereby authorized to charge fees under 37 CFR §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Upon entry of the present *Resubmission*, the Applicant respectfully requests that the Issue and Publication Fee Transmittal be entered and that the *Petition to Withdraw From Issue* with RCE, Preliminary Amendment and IDS be entered and acted upon in due course.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
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Potomac Falls, Virginia 20165
(571) 434-6789

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Serial No. 09/987,003)	<u>CERTIFICATE OF MAILING</u>
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DECLARATION

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Dear Sir:

I, Rose M. Fichtel, Office Manager of Robinson Intellectual Property Law Office, P.C., attest as follows:

1. I have reviewed PTOL-85 – Issue and Publication Fee Transmittal (2 copies); Check No. 5156 in the amount of \$1718 to cover the issue fee, publication fee and advance copies; and Certificate of Mailing, all of which correspond with the above-referenced patent application.

2. Specifically, I have reviewed the Certificate of Mailing and note that my signature is on the Certificate of Mailing.

3. I attest that on March 20, 2006, PTOL-85 – Issue Fee Transmittal (2 copies); Check No. 5156 in the amount of \$1718 to cover the issue fee, publication fee and advance copies; and Certificate of Mailing for the above was copied, the original documents were deposited in an envelope, the envelope was addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, attention Box Issue Fee; the envelope containing the documents was weighed using a postage meter, sufficient First Class postage was applied to the envelope containing the documents,

and the stamped envelope containing the documents was either deposited with the USPS personally by me or was deposited with the USPS by others in my office in the ordinary course of business. In the ordinary course of business in my office, all correspondence to the U.S. Patent & Trademark Office is collected in a central location and is routinely deposited with the USPS.

4. Based on the above, I attest that PTOL-85 – Issue Fee Transmittal (2 copies); Check No. 5156 in the amount of \$1718 to cover the issue fee; publication fee and advance copies; and Certificate of Mailing of the above was deposited on March 20, 2006, with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rose M. Fichtel", written over a horizontal line.

Rose M. Fichtel

Robinson Intellectual Property Law Office, P.C.
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